



19 Senators Seek FCC Investigation
of Reported Plans by TV Group to Air Anti-Kerry Film
October 11, 2004

Washington, DC – U.S. Senator Dianne Feinstein (D-CA) and 18 other Senators are urging the Federal Communications Commission to investigate reported plans by Sinclair Broadcast Group to preempt 90 minutes of regular station programming in favor of an attack ad on Senator John Kerry in the final days before the Presidential election.

According to an article in Saturday's Los Angeles Times, Sinclair Broadcasting has ordered its stations, including affiliates of Fox, ABC, CBS, NBC, WB and UPN, to preempt their regular programming and replace it with material prepared for political use, shortly prior to the November 2 election.

“To allow a broadcasting company to air such a blatantly partisan attack in lieu of regular programming, and to classify that attack as ‘news programming’ as has been suggested, would violate the spirit, and we think the text, of current law and regulation,” the Senators wrote in a letter to FCC Chairman Michael Powell.

According to the newspaper, Sinclair has told its stations — many of them in political swing states such as Ohio and Florida — to air "Stolen Honor: Wounds That Never Heal." The film is funded by Pennsylvania veterans opposed to Kerry and produced by a former Washington Times reporter. Sinclair will preempt regular prime-time programming from the networks to show the film, which may be classified as news programming, according to TV executives familiar with the plan.

As of Monday morning, the letter had been signed by Senators Feinstein, Patrick Leahy (D-VT), Edward Kennedy (D-MA), Byron Dorgan (D-ND), Jack Reed (D-RI), Bill Nelson (D-FL), Debbie Stabenow (D-MI), Carl Levin (D-MI), Ron Wyden (D-OR), Bob Graham (D-FL), Dick Durbin (D-IL), Tim Johnson (D-SD), Harry Reid (D-NV), Daniel Inouye (D-HI) and Blanche Lincoln (D-AR), Ernest Hollings (D-SC), Patty Murray (D-WA) and Mark Pryor (D-AR).

The full text of the letter is on the following page:

October 9, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Room 8-A204A
Washington, DC 20554

Dear Chairman Powell:

We write to express our concern over a recent LA Times article (attached) regarding the planned preemption of regular station programming by the Sinclair Broadcast Group in favor of an anti-Kerry attack ad expected to last approximately 90 minutes, and to ask that you look into this matter to determine whether it represents a proper use of public airwaves or if, instead, it would violate fairness rules now in place.

The attached article alleges that Sinclair Broadcasting has ordered its stations, including affiliates of Fox, ABC, CBS, NBC, WB and UPN, to preempt their regular programming and replace it with material prepared for political use, shortly prior to the November 2 election. To allow a broadcasting company to air such a blatantly partisan attack in lieu of regular programming, and to classify that attack as "news programming" as has been suggested, would violate the spirit, and we think the text, of current law and regulation.

Additionally, while there is some indication that Senator Kerry may be invited to a panel discussion following the airing of this "program" in order to satisfy fairness regulations, it seems clear to us that any such invitation would be merely a transparent attempt to circumvent the fine print of the law and proceed with this partisan plan. Equal time rules exist for a purpose - to prevent the airing of one-sided political content without equal response time given to the opposing view or candidate. In this case, it is impossible to imagine how the equal time rules would be satisfied if this plan is allowed to go forward.

We urge you to investigate this matter immediately, and would appreciate a response as to whether you will, in fact, investigate these allegations."